



PATENT AND TRADE MARK AGENTS

ADRIAN D. BATTISON, B.Sc., F.I.P.I.C.
MICHAEL R. WILLIAMS, B.Sc. Ph.D., A.I.P.I.C.
RYAN W. DUPUIS, B.Sc. A.I.P.I.C.

Technical Assistants
JAMES A. BATTISON, A.I.P.I.C.

Consultants
RONALD S. ADE, L.L.B. TRADE MARK AGENT
STEVEN Z. RABER, L.L.B. TRADE MARK AGENT

Box seq
PC-#7
JO rec'd PCT/PTO 07 JAN 2002

1700-360 MAIN STREET
WINNIPEG, MANITOBA
CANADA R3C 3Z3

Telephone (204) 947-1429
Facsimile (204) 942-5723
e-mail: info@adeco.com
web page: www.adeco.com

STANLEY G. ADE
(1947-1995)

OUR FILE:
YOUR FILE:
82402-3302

January 4, 2002

Charitta A. Burt
Commissioner for Patents
Box PCT
2011 S. Clark Place
Arlington VA
22202-3661

RECEIVED
06 MAY 2002
Legal Staff
International Division

Dear Ms. Burt:

RE: NOTIFICATION OF DEFECTIVE RESPONSE
USSN 09/743,110
Applicant: Brian Fristensky

In response to your letter of December 6, 2001, we note that a printed copy of the sequence listing and a diskette copy of the sequence listing were submitted on October 4, 2001.

Copies of the letters from October 4, relating to the submission of the sequence listing are enclosed herewith for your reference as well as a stamped receipt card from the USPTO indicating that these documents were received.

We note that your letter indicates that applicant must provide an initial or substitute computer readable form of the sequence listing. We therefore believe that the diskette copy must have been separated from the printed copy. However, as you can see from the aforementioned receipt card, a diskette copy of the sequence listing was submitted back in October.

Page 2
January 4, 2002

However, as discussed above, we include replacement copies of both the printed and computer readable copies of the sequence listing. Furthermore, as per 37CFR1.821(f), I hereby state that the content of the paper and computer readable copies of the sequence listing are the same.

Regarding the Summary of Fees, we note that a voluntary amendment was submitted on January 4, 2001 cancelling claims 1 to 20, 29, 32 and 33. A copy of this Voluntary Amendment along with the transmittal letter indicating the number of claims as well as a copy of the stamped receipt card from the USPTO indicating that the Voluntary Amendment was received are also enclosed herewith for your reference. As you can see, it is our position that these claims were cancelled at the time of filing and therefore these additional fees are not due. In the event that the patent office maintains that these fees are due, you are hereby authorized to charge \$484 to our deposit account 01-0310 with the understanding that we of course intend to appeal if these fees are charged but do not wish for additional late fees to be incurred while we are appealing. We enclose a duplicate copy of this letter.

We further note that the diskette accompanying the sequence listing includes the title and serial number of the US application as well as the name of the first named inventor.

In the event that you require anything further, please do not hesitate to contact the undersigned.

Yours truly,

ADE & COMPANY

PER:


DR. MICHAEL R. WILLIAMS

DIRECT LINE 957-8364 FAX NO. 942-5723

email williams@adeco.com

/dj



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/743,110	Brian Fristensky	82402-3303

INTERNATIONAL APPLICATION NO.	
PCT/CA99/00608	
I.A. FILING DATE	PRIORITY DATE
07/02/1999	07/03/1998

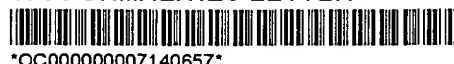
Ade & Company
 1700-360 Main Street
 Winnipeg Manitoba, MB R3C 3Z3
 CANADA

RECEIVED

DEC 27 2001

ADE & COMPANY

CONFIRMATION NO. 5775
 371 FORMALITIES LETTER



OC000000007140657

Date Mailed: 12/06/2001

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or

patin3help@uspto.gov

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.

Additionally the following defects have been observed:

- Additional claim fees of \$484 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$484 for a Small Entity:

- Total additional claim fee(s) for this application is \$484
 - \$160 for 4 independent claims over 3.
 - \$189 for 21 total claims over 20.
 - \$135 for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/743,110	PCT/CA99/00608	82402-3303

THE PATENT OFFICE HEREBY ACKNOWLEDGES
RECEIPT OF THE FOLLOWING

DATED: October 5, 2001

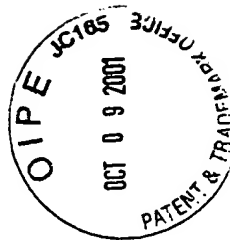
Response; Paper Sequence Listing; Sequence Listing on
Diskette; Copy of Receipt acknowledgement card

APPLICANT: Fristersky et al

SERIAL NO. 09/743,110

CASE NO. 82402-3302

dj



JC03 Rec'd PCT/PTO 09 OCT 2001

THE PATENT OFFICE HEREBY ACKNOWLEDGES
RECEIPT OF THE FOLLOWING

DATED: January 4, 2001

09/743110

Filing: Transmittal letter for designated national phase;
Voluntary Amendment; M.O. \$430.00

APPLICANT: Brian Fristensky et al

SERIAL NO. PCT/CA99/00608

CASE NO. 82402-3302

DJ

525 Rec'd PCT/PTO 05 JAN 2001

200
PM
SHI